

## REMARKS

In response to Applicant's Appeal Brief, the Examiner has withdrawn finality and rejected claim 1-10 based upon new grounds.

Claims 1-3 and 6-10 were rejected under 102(b) based upon Parker (5,822,520).

Regarding claim 1, the rejection states, "Figs. 6-9 show a test circuit, i.e. PSGF, whereby the circuit is communicating directly with any layer without communicating through a first layer as claimed."

A careful review of Figs. 6-9, and the corresponding description within the specification reveals that the PSGF does not communicate "directly with any layer" as it communicates directly only with virtual layers, and not with any layer that the communication system is subdivided into (See Col. 8, lines 29-45 referring to Fig. 6; Col. 9, lines 10-18 referring to Fig. 7; Col. 9, lines 33-45 referring to Fig. 8; and Col. 9, lines 56-63 referring to the virtual network of Fig. 9). Parker fails to teach a port that allows communication by a test apparatus **directly** with any layer. Accordingly claim 1 is not anticipated by Parker. Applicant respectfully requests allowance of claim 1.

Claims 2-3 depend from claim 1 and is not anticipated by Parker for the reasons discussed above. Applicant respectfully requests allowance of claims 2-3.

In regards to claim 6, Parker fails to provide for a circuit arrangement having a port that allows communication by a test apparatus **directly** with any layer...making up a telecommunication network. As discussed above, Parker only provides for direct communication with **virtual** layers of the network. Accordingly, claim 6 is not anticipated by Parker. Applicant respectfully requests allowance of claim 6

Claim 7-10 depend from claim 6 and are therefore not anticipated by Parker for the reasons discussed above. Applicant respectfully requests allowance of claims 7-10.

Claims 4 and 5 were rejected as being obvious based upon the combination of Parker and Warren (6,381,721). The rejection acknowledged that Parker failed to teach the use of a single chip, or processing on one chip and the port on a second chip. Warren was cited to provide these missing elements. However, as discussed above Parker fails to provide additional elements, which Warren does not provide. Accordingly, the combination of Parker and Warren lacks elements of claims 4 and 5, such that the claims are non-obvious in light of the cited references. Applicant respectfully requests allowance of claim 4 and 5.

#### Conclusion

In view of the foregoing remarks, allowance of claims 1-10 is urged, and such action and the issuance of this case are requested.

Respectfully submitted,  
Jens Grieswald

By: /Matthew D. Rabdau/

Matthew D. Rabdau  
Reg. No. 43,026  
(503) 627-5068 (Voice)  
(503) 627-7119 (Fax)

July 9, 2007  
Tektronix, Inc.  
P.O. Box 500  
Delivery Station 50-LAW  
Beaverton, OR 97077